

Q: WHAT ARE THE GENERAL STREAM ADJUDICATIONS?

A: The general stream adjudication is a judicial proceeding to determine or establish the extent and priority of water rights in the Gila River system and the Little Colorado River system. Thousands of claimants and water users are joined in these proceedings that will result in the Superior Court issuing a comprehensive final decree of water rights for both river systems. The adjudications are conducted pursuant to Arizona Revised Statutes 45-251 to 45-264.

Q: HOW DID THESE ADJUDICATIONS START?

A: The Gila River and Little Colorado River adjudications trace their origins to proceedings initiated in the 1970s under the then-existing general adjudication procedures set forth in Arizona Revised Statutes sections 45-231 to 45-245. On April 26, 1974, the Salt River Valley Water Users' Association (SRP) filed a petition with the Arizona Land Department to determine the water rights in the Salt River above Granite Reef Dam (but excluding the Verde River). On February 24, 1976, SRP filed a similar petition for the Verde River and its tributaries. On February 17, 1978 and on April 19, 1978, utilizing these same statutes, the Phelps Dodge Corporation filed petitions with the State Land Department to determine the water rights of the Gila River system and source and the Little Colorado River system and source. These petitions sought adjudication of the Upper Gila River watershed and of portions of the Lower Gila River watershed. On April 3, 1978, ASARCO, Inc., filed a petition with the State Land Department for the adjudication of the San Pedro River and its tributaries.

On December 24, 1980, the Buckeye Irrigation Company filed a motion to intervene and a petition to enlarge the scope of the adjudication with respect to areas of the Gila River watershed not included in the previously filed petitions. This motion and petition were granted on March 17, 1981, and included the Agua Fria River watershed and portions of the Lower Gila River watershed. At the time, there was litigation pending in federal court which sought an adjudication of the Santa Cruz River watershed in Pima and Santa Cruz counties. Because of this litigation, the Maricopa County Superior Court, by granting the Buckeye Irrigation Company petition for adjudication of additional rights, did not include that portion of the Santa Cruz River watershed located in Pima and Santa Cruz counties. Following the conclusion of that litigation, on October 30, 1985, the Buckeye Irrigation Company filed a petition, granted by the Superior Court, for the inclusion of those portions of the Santa Cruz River watershed.

In April 1979, the Legislature amended the general adjudication procedures. Under these amendments, the Salt River, Verde River, and Gila River adjudications were transferred from the State Land Department to the Maricopa County Superior Court. The San Pedro River adjudication was transferred to the Cochise County Superior Court. In November 1981, the Arizona Supreme Court consolidated these adjudications into one proceeding assigned to the Maricopa County Superior Court under the caption *In re the General Adjudication of All Rights to Use Water in the Gila River System and Source*, Nos. W-1, W-2, W-3 & W-4 (Consolidated).

Under the amended statutes, the Little Colorado River Adjudication was transferred to the Apache County Superior Court where it is litigated under the caption *In re the General Adjudication of All Rights to Use Water in the Little Colorado River System and Source*, No. 6417.

These cases were assigned to the Maricopa and Apache County Superior Courts because these are the counties where the largest number of potential claimants reside. Pursuant to the amended statutes, summons were issued in both adjudications and served on potential claimants in each watershed. Copies of the summons were served upon all persons listed in the property tax assessments in each watershed and on all persons in the watershed who had, at the time, any kind of water rights filing on record with the Arizona Department of Water Resources (ADWR). In July 1984, a special notification was made to owners of registered wells in the Upper Salt River and San Pedro River watersheds. The summons required the filing of a statement of claimant with ADWR if the person claimed a water use in the watershed.

Each watershed in the Gila River system was noticed. The filing deadlines were:

Gila River Adjudication

Upper Salt - June 30, 1980
January 4, 1985 (groundwater claims)

San Pedro - July 11, 1980
January 4, 1985 (groundwater claims)
Agua Fria - November 1, 1985
Upper Gila - November 1, 1985
Verde - November 29, 1985
Lower Gila - January 20, 1987
Upper Santa Cruz - August 3, 1987

Little Colorado River Adjudication: December 23, 1985

More than 83,500 Statements of Claimant have been filed by over 24,000 parties in the Gila River Adjudication, and over 3,100 parties have filed over 11,300 claims in the Little Colorado River Adjudication.

Q: WHO WILL BE AFFECTED BY THE GENERAL STREAM ADJUDICATIONS?

A: Any person or entity who uses water or has made a claim to use water, on property within the Gila River system or within the Little Colorado River system, potentially may be affected. The legislature has charged the Arizona Superior Court with quantifying and prioritizing validly existing water rights claimed in these watersheds. The final court decrees will establish the existence and ownership of claimed water rights, as well as important characteristics of the water rights including location of water uses, quantity of water used, and date of priority of the water rights

Q: WHAT IS THE POSITION OF SPECIAL MASTER?

A: The Special Master is a judicial officer appointed by the Arizona Superior Court to hear cases arising out of the adjudications and report on legal and factual issues designated by the Superior Court. After resolving all the objections to the hydrographic survey reports, the Special Master will present a report and recommended final decree to the Superior Court judge assigned to each adjudication. After hearing and resolving any objections to the Special Master's report, the judges will issue the final decree for each watershed.

Q: WHAT DO I DO IF I DID NOT FILE A STATEMENT OF CLAIMANT?

A: A statement of claimant may be filed, without leave of the Superior Court, before the conclusion of hearings by the Special Master for a subwatershed or federal reservation. After the Special Master has completed hearings on a subwatershed or federal reservation and has filed a report with the Superior Court for the entire subwatershed or federal reservation, a claimant must file a motion with the Superior Court for permission to intervene and file a statement of claimant. The court may grant the motion if it finds that the intervention would not unduly delay or prejudice the adjudication of the rights of the original parties.

Q: HOW DO I FILE A STATEMENT OF CLAIMANT?

A: Claims are asserted by filing the appropriate Court-approved statement of claimant form and submitting the required filing fee. There are four statements of claimant forms: Irrigation, Stockpond, Domestic, and Other water rights. The forms may be obtained from the Arizona Department of Water Resources (ADWR).

The filing fee for an individual is \$20.00. The filing fee for a corporation, municipal corporation, the State or any political subdivision, or an association or partnership, is two cents for every acre-foot of water claimed, or \$20.00, whichever is greater. The filing fee should be paid by check or money order made payable to the order of ADWR. ADWR will forward all fees to the Clerk of the Superior Court. A claim will not be considered unless the filing fees for the claim have been paid.

All statements of claimant must be filed with ADWR at 500 North Third Street, Phoenix, Arizona. According to Arizona Revised Statutes section § 45-254(F), "[A]ny potential claimant who is properly served and who failed to file a statement of claimant as prescribed by this article for any water right...is barred and estopped from subsequently asserting any right that was previously acquired on the river system and source...and forfeits any rights to the use of water in the river system and source that were not included in a properly filed statement of claimant."

You may lose the right to use the water of the river system and source if you fail to file a statement of claimant. This may happen even though you have received a permit, certificate or other approval from ADWR. But a statement of claimant is not permission to use water. A person does not obtain a right to use water by filing a statement of claimant form. Rights to use water must be acquired in accordance with state or federal law.

Q: WHAT DO I DO IF I RECEIVE A NEW USE SUMMONS?

A: The Arizona Department of Water Resources (ADWR) has been directed by the Superior Court to serve new use summonses on certain potential claimants. ADWR has prepared a series of questions and answers that addresses new use summonses.

Q: SHOULD A CLAIM BE FILED FOR SOME POTENTIAL FUTURE USE?

A: No. Under the Arizona system of water law, water rights cannot be established or reserved for some potential future use. Water rights can only be established through proper legal appropriation and putting the water to actual beneficial use.

Q: CAN I AMEND A STATEMENT OF CLAIMANT?

A: A statement of claimant should always be current. A claim may be amended, without leave of the Superior Court, before the conclusion of hearings, by the Special Master, for a subwatershed or federal reservation. After the Special Master has completed hearings on a subwatershed or federal reservation or on the claim, and has filed a report with the Superior Court for the entire subwatershed or federal reservation, a claimant must file a motion with the Superior Court for permission to file an amended statement of claimant. The court will exercise its discretion to grant or deny the motion.